COMPREHENSIVE EVERGLADES RESTORATION PLAN (PLAN)
INTERIM GOALS AGREEMENT

DRAFT: 01/26/06 VERSION

This Interim Goals Agreement is entered into this _____ day of _____, 2006, by and amongst the Department of the Army, represented by the Secretary of the Army, the United States Department of the Interior, represented by the Secretary of the Interior, and the Governor of the State of Florida.

WHEREAS, the State of Florida and the Federal Government are committed to a continuing partnership to achieve the restoration, preservation, and protection of the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection;

WHEREAS, section 601(h)(3)(A) of Water Resources Development Act of 2000 (WRDA 2000) requires the Secretary of the Army with the concurrence of the Governor of Florida and the Secretary of the Interior, to promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved;

WHEREAS, the programmatic regulations were promulgated by the Secretary of the Army with the concurrence of the Governor of Florida and the Secretary of the Interior on November 12, 2003;

WHEREAS, section 601(h)(3)(C)(III) of WRDA 2000 requires the programmatic regulations to establish a process to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the Plan implementation process;

WHEREAS, section 385.38(b) of the programmatic regulations states that the purpose of the interim goals is to provide a means by which the restoration success of the Plan may be evaluated at specific intervals of time by agency managers, the State, and Congress throughout the overall Comprehensive Everglades Restoration Plan planning and implementation process;

WHEREAS, section 385.38 of the programmatic regulations requires that the Restoration Coordination and Verification (RECOVER) team develop recommendations for interim goals and interim targets and provide the recommendations for interim goals to the Army Corps of Engineers, the Department of the Interior and the South Florida Water Management District for their consideration;

WHEREAS, section 385.38(c) of the programmatic regulations requires that RECOVER, using best available science and information, shall recommend a set of interim goals for implementation of the Plan, consisting of regional hydrologic performance targets, improvements in water quality and anticipated ecological responses for areas such as Lake Okeechobee, the Kissimmee River Region, the Water Conservation Areas, the Lower East

Coast, the Upper East Coast, the Everglades Agricultural Area, the Caloosahatchee River, Everglades National Park, Big Cypress National Preserve, Biscayne Bay, Florida Bay and other estuaries and nearshore areas;

WHEREAS, the section 385.38(b) of programmatic regulations specify that the interim goals will facilitate adaptive management and allow the Corps of Engineers and its non-Federal sponsors opportunities to make adjustments to projects if actual project performance is less than anticipated, including recommending changes to the Plan;

WHEREAS, RECOVER prepared its recommendations for interim goals for the Plan, along with associated documentation and appendices to provide greater detail on the interim goals, including the assumptions and limitations of the recommended interim goals;

WHEREAS, the RECOVER report recognizes that the South Florida ecosystem could exhibit short-term decline in performance for some ecological indicators;

WHEREAS, RECOVER provided its recommendations to the Corps of Engineers, the Department of the Interior, and the South Florida Water Management District in a document entitled "RECOVER Team's Recommendations for Interim Goals and Interim Targets for the Comprehensive Everglades Restoration Plan" on February 17, 2005 (RECOVER Recommendations);

WHEREAS, section 385.38 of the programmatic regulations require a three-party interim goals agreement to be developed, proposed, and executed by the Secretary of the Interior, the Secretary of the Army, and the Governor of Florida in consultation with the Environmental Protection Agency, the Department of Commerce, the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, and other Federal, State, and local agencies, and the South Florida Ecosystem Restoration Task Force;

WHEREAS, a notice of availability of the proposed three-party interim goals agreement was provided in the Federal Register on (DATE) prior to the execution of the final three-party interim goals agreement for the purpose of seeking public comments;

WHEREAS, the public comments on the proposed interim goals agreement have been considered;

WHEREAS, section 385.39 of the programmatic regulations requires that the Secretary of the Army and the Governor establish interim targets for evaluating progress towards other water related needs of the region and that these interim targets and the interim goals be consistent with each other;

WHEREAS, Section 385.40 of the programmatic regulations requires that the Secretary of the Army and the Secretary of the Interior jointly submit to Congress a report on the implementation of the Plan that will include the progress towards achieving the interim goals;

WHEREAS, the Interim Goals established under this Agreement reflect the Plan implementation schedule of the Central and Southern Florida Project Comprehensive Review Study, April 1999 (Restudy) that is based on cost sharing by the Corps of Engineers and by

the Non- Federal Sponsor of Plan projects on a 50/50 basis (Plan Projects) and assumes the implementation of planning and design, execution of Project Cooperation Agreements, and completion of construction in accordance with the 1999 Plan implementation schedule;

WHEREAS, the Interim Goals as set forth in this Agreement are based on RECOVER's predictions of the performance of Plan Projects based on the 1999 Plan, which will change through time;

WHEREAS, the Interim Goals are predicated on the assumption that future rainfall trends will fall within the range represented by the 31 year period of historic rainfall (1965-1996) used by RECOVER in developing its recommendations for interim goals;

WHEREAS, this Agreement does not impact decisions by the State regarding the sequencing, scheduling, design, construction, or operation of a project implemented by the State of Florida or the South Florida Water Management District in advance of executing a Project Cooperation Agreement with the Army Corps of Engineers for such project;

WHEREAS, the interim goals do not constitute standards or schedules enforceable in court, nor shall they be used in any other manner not expressly authorized in the Programmatic Regulations or WRDA 2000;

WHEREAS, the State of Florida through the South Florida Water Management District has agreed to proceed with its projects consistent with WRDA 2000 and applicable State and Federal law.

NOW THEREFORE, TO EFFECTUATE THIS AGREEMENT,

A. The Secretary of the Army and the Governor of Florida, as signatories to this agreement, will:

- Sequence and schedule Plan Projects as appropriate to achieve the interim goals and interim targets to the extent practical given (1) funding, technical, or other constraints, and (2) the assumptions on which the 1999 Plan implementation schedule are based.

B. The Secretary of the Army, the Secretary of the Interior, and the Governor of the State of Florida hereby agree that:

- Pursuant to 33 C.F.R. § 385.20 (e)(1)(v) RECOVER shall assess the progress toward achieving the interim goals established by this Agreement. RECOVER shall make the assessment no less than every five years from the date of this Agreement, or any revisions thereto, and shall provide the results of this assessment to the signatories to this Agreement.

- RECOVER should continue to develop its recommendations, as described in the February 17, 2005 document "RECOVER Team's Recommendations for Interim Goals and Interim Targets for the Comprehensive Everglades Restoration Plan," and refine and develop for consideration by the signatories to this Agreement, the

appropriate set of indicators and interim goals reflecting regional hydrologic performance targets, improvements in water quality and anticipated ecological responses, for areas affected by the implementation of the CERP. These recommendations should be provided to the signatories to this Agreement commensurate with RECOVER's assessment of the progress toward achieving the interim goals established by this Agreement.

- The interim goals will be modified as a priority initiative to reflect new information (including an approved MISP and CERP Updates) resulting from changed or unforeseen circumstances, new scientific and technical information, new or updated modeling, information developed through the assessment principles contained in the Plan, and future authorized changes to the Plan integrated into the implementation of the Plan.

- The Secretary of the Army, the Secretary of the Interior, and the Governor will review the Interim Goals Agreement at least once every five years after the date of the Interim Goals Agreement, to determine if the interim goals should be revised.

- The following are the interim goals organized by region. Each ecosystem indicator is underlined and each interim goal is bulleted.

1. Northern Estuaries Region

1.1 American Oysters in Northern Estuaries

- *Increase Areal Coverage of American Oysters in the Caloosahatchee Estuary*

  2010 – Achieve at least 20 acres of healthy live oysters.

  2015 - Achieve at least 40 acres of healthy live oysters.

  2050- Achieve at least 100 acres of healthy live oysters.

- *Increase Areal Coverage of American Oysters in the St. Lucie Estuary*

  2010 – Maintain no less than 25 acres of healthy live oysters.

  2015 - Achieve at least 160 acres of healthy live oysters.

  2050 – Achieve at least 230 acres of healthy live oysters.

1.2 Flows to the Northern Estuaries

- *Reduce High Volume Flows (monthly average flows in excess of 2,800 cfs)to the Caloosahatchee Estuary*

  2010 – Reduce high volume flows to 630,000 acre-feet in wet years

2015 – Reduce high volume flows to 10,000 acre-feet in wet years

2050 - Reduce high volume flows to 10,000 acre-feet in wet years

- *Reduce High Volume Flows (monthly average flows in excess of 2,000 cfs)to the St. Lucie Estuary*

2010 - Reduce high volume flows to 250,000 acre-feet in wet years

2015 - Reduce high volume flows to 210,000 acre-feet in wet years

2050 - Reduce high volume flows to 170,000 acre-feet in wet years

- *Reduce High Volume Flows (flows in excess of 500 cfs daily over a 14-day moving average) to the Lake Worth Lagoon*

2010 - Reduce high volume flows to 490,000 acre-feet in wet years

2015 - Reduce high volume flows to 390,000 acre-feet in wet years

2050 - Reduce high volume flows to 390,000 acre-feet in wet years

2. Lake Okeechobee Region

2.1 Lake Okeechobee Phosphorus

- *Reduce Phosphorus Concentrations in Lake Okeechobee*

2010 – Reduce phosphorus concentrations to 81 ppb or less.

2015 - Reduce phosphorus concentrations to 76 ppb or less.

2050 - Reduce phosphorus concentrations to 70 ppb or less.

2.2 Water Levels in Lake Okeechobee

- *Reduce Frequency of Harmful High Stages Above 17 feet.*

2010 – Limit frequency of high stage events to 3 or fewer events over a 31-year period of record.

2015 – Limit frequency of high stage events to 2 or fewer events over a 31-year period of record.

2050 - Limit frequency of high stage events to 2 or fewer events over a 31-year period of record.

- *Reduce Frequency of Harmful Low Stages Below 11 feet.*

2010 - Limit frequency of low stage events to 12 or fewer events over a 31-year period of record.

2015 – Limit frequency of low stage events to 8 or fewer events over a 31-year period of record.

2050- Limit frequency of low stage events to 4 or fewer events over a 31-year period of record.

- *Restore Natural Spring Recession Events*.

2010 – Achieve at least 8 natural spring recession events over a 31-year period of record.

2015 – Achieve at least 13 natural spring recession events over a 31-year period of record.

2050 – Achieve at least 14 natural spring recession events over a 31-year period of record.

3. Everglades Region

3.1 System-Wide Spatial Extent of Natural Habitat

- *Increase spatial extent of natural habitat*

2010 – Acquire at least 8000 acres of public lands to increase the spatial extent of natural habitat.

2015 - Acquire at least 11,000 acres of public lands to increase the spatial extent of natural habitat.

2050 - Acquire at least 100,000 acres of public lands to increase the spatial extent of natural habitat.

3.2 System-Wide Wading Bird Nesting Pattern

- *Increase the Total Number of Nesting Pairs in the Everglades***.**

2010 – Achieve at least 35,000 nesting pairs.

2015 – Achieve at least 40,000 nesting pairs.

2050 - Achieve at least 60,000 nesting pairs.

- *Increase the Number of Nesting Pairs in Estuarine Locations*.

2010 – Achieve at least 1750 nesting pairs in estuarine locations.

2015 – Achieve at least 3500 nesting pairs in estuarine locations.

2050 - Achieve at least 12,000 nesting pairs in estuarine locations.

- *Increase the Frequency of Super Colony events.*

2010 – Achieve super colony events at least once every 8 years.

2015 – Achieve super colony events at least once every 8 years.

2050 – Achieve super colony events at least once every 4 years.

- *Establish Conditions that Encourage Wood Storks to Initiate Nesting Earlier in Winter.*

2010 – Storks initiate nesting in February or March.

2015 – Storks initiate nesting in February or March.

2050 – Storks initiate nesting in December or January.

3.3 Flows to Northern Boundaries of the Water Conservation Areas

- *Provide More Natural Surface Water Flows to the Northern Boundaries of the Water Conservation Areas*

2010 – Provide an additional 180,000 acre-feet in dry years to 950,000 acre-feet in wet years

2015 – Provide an additional 230,000 acre-feet in dry years to 960,000 acre-feet in wet years

2050 – Provide an additional 160,000 acre-feet in dry years to 580,000 acre-feet in wet years

3.4 Flows to Everglades National Park

- *Provide More Natural Surface Water Flows to Everglades National Park*

2010 – Provide an additional 170,000 acre-feet in dry years to 1,150,000 acre-feet in wet years

2015 – Provide an additional 250,000 acre-feet in dry years to 1,170,000 acre-feet in wet years

2050 – Provide an additional 440,000 acre-feet in dry years to 1,030,000 acre-feet in wet years

4. Southern Estuaries Region

4.1 Salinity Patterns in Florida Bay

- *Reduce High Salinity Levels in Little Madeira Bay*

  2010 – Limit high salinity levels to 25 ppt or less.

  2015 – Limit high salinity levels to 25 ppt or less.

  2050 – Reduce high salinity levels to 20 ppt or less.

- *Reduce High Salinity Levels in Terrapin Bay.*

  2010 – Limit high salinity levels to 35 ppt or less.

  2015 – Limit high salinity levels to 35 ppt or less.

  2050 – Reduce high salinity levels to 30 ppt or less.

- *Reduce High Salinity Levels in North River Mouth*

  2010 – Reduce high salinity levels to 10 ppt or less.

  2015 – Limit high salinity levels to 10 ppt or less.

  2050 – Reduce high salinity levels to 6 ppt or less.

4.2 Freshwater Flows to Florida Bay

- *Increase Freshwater Flows to Florida Bay*

  2010 – Provide at least 1995 values (420,000 acre-feet) in a dry year

  2015 – Provide an additional 20,000 acre-feet in a dry year

  2050 – Provide an additional 100,000 acre-feet in a dry year

5. System-wide Water Volume

5.1 Quantity of Freshwater Lost to Tide

- *Reduce the Quantity of Freshwater Lost to Tide*

  2010 – Reduce freshwater lost to tide by 560,000 acre-feet in dry years to 1,870,000 acre-feet in wet years

  2015 – Reduce freshwater lost to tide by 630,000 acre-feet in dry years to 2,280,000 acre-feet in wet years

2050 – Reduce freshwater lost to tide by 880,000 acre-feet in dry years to 2,530,000 acre-feet in wet years

This Agreement shall become effective when signed by all Parties.

BY:

_____

SECRETARY OF THE ARMY

Date:_____

_____

SECRETARY OF THE INTERIOR

Date: _____

_____

GOVERNOR OF FLORIDA

Date: _____